

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:12cr3072
)	
Plaintiff,)	
)	STATEMENT OF OBJECTIONS
vs.)	TO MAGISTRATE'S
)	REPORT AND RECOMMENDATION
BRANDON DAVIS,)	DENYING MOTION TO SUPPRESS
)	
Defendant.)	

COMES NOW the defendant, Brandon Davis, by and through his attorney, Jerry M. Hug, pursuant to NECrimR 57.3 and objects to the factual and legal findings made in the Magistrate's Report and Recommendation of September 21, 2011 [Filing # 42] denying in part Davis' Motion to Suppress [Filing # 27]. In support of this Objection Davis states as follows:

- (1) The Magistrate erred in determining that the search warrant was supported by probable cause;
- (2) The Magistrate erred in determining that information from confidential informants had been sufficiently corroborated to support a probable cause determination;
- (3) The Magistrate erred in determining that the information to support probable cause for the search warrant was not stale;
- (4) The Magistrate erred in determining that, under the totality-of-the-circumstances, there was probable cause for the issuance of the search warrant;
- (5) The Magistrate erred in determining that the *Leon* good faith exception applied in this case where the information contained in the affidavit and application for a search warrant was so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable and/or the warrant was so facially invalid that no reasonable officer could believe it to be valid.

WHEREFORE for the aforementioned reasons and in order to avoid waiver of any issues, Davis objects to the factual and legal determinations made by the Magistrate.

BRANDON DAVIS, Defendant.
BY: /s/ Jerry M. Hug
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CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2012 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: Sara Fullerton, Assistant United States Attorney.

/s/ Jerry M. Hug